IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3279 OF 2005

Kalyan Municipal Corporation
Dombivli Division, Dombivli (E) ..Petitioner.

Versus

Shri M. L. Joseph & Anr. ..Respondents.

Mr. I.R. Kulkarni for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 12TH JULY, 2005.

P.C.:

. The petitioner has challenged the order of the learned Appellate Court, who has directed the Trial Court to decide the plaintiff's application for mandatory injunction as early as possible. This direction has been given, having regard to the fact that the plaintiff moved for a mandatory injunction directing the defendant to fix doors to the flats in which the plaintiff resides. In the meanwhile, it

appears that the plaintiff himself has fixed some doors to the flats. The learned Appellate Court has rightly observed that it is not safe to live in a house without doors; which the learned counsel for the Corporation seems to be contesting in this petition. There is no merit in the petition, which is hereby dismissed.

. Since this litigation is ex facie frivolous, I consider it appropriate in the interest of justice to impose costs in the sum of Rs.5000/- to be paid by the petitioner to the Maharashtra State Legal Services Authority within two weeks from today.

12.07.2005 (S.A.BOBDE,J.)

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